

PROB 12B
(01/13)

UNITED STATES DISTRICT COURT

for

Western District of Washington

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Richard Minifie

Case Number: 2:09CR00207MJP-001

Name of Judicial Officer: The Honorable Marsha J. Pechman, United States District Judge

Date of Original Sentence: 10/02/2009

Date of Report: 08/15/2018

Original Offense: Possession of Child Pornography

Original Sentence: 86 months' custody and 20 years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 09/02/2015

Assistant United States Attorney: Thomas Woods

Defense Attorney: Not Assigned

Special Conditions Imposed:

☐ Substance Abuse

☒ Financial Disclosure

☐ Restitution:

☒ Mental Health

☐ Fine

☐ Community Service

☒ Other: Submit to search; shall not possess or peruse sexually explicit conduct; employment must be approved in advance; participate in plethysmograph testing; sex offender registration; participate in a sexual deviancy evaluation; participate in sexual deviancy treatment; lifestyle restrictions; not go to places or loiter within 100 feet of an area where minors congregate; no contact with anyone under age 18; residence must be pre-approved; computer monitoring.

PETITIONING THE COURT

☐ To extend the term of supervision for ___ years, for a total term of ___ years.

☒ To modify the conditions of supervision as follows:

The defendant shall be required to submit to periodic polygraph testing at the discretion of the probation office as a means to ensure that he or she is in compliance with the requirements of his or her supervision or treatment program. Polygraph testing may not exceed six tests per year.

CAUSE

A special condition of Mr. Minifie's supervised release included participation in sexual deviancy treatment. Specific language for that special condition noted, "The program shall offer individual and group sessions, and appropriate testing, to determine the defendant's patterns of sexual arousal, and to monitor the defendant's progress and compliance with treatment goals and conditions of supervision."

Mr. Minifie began participation in sexual deviancy treatment in June 2015, and completed treatment in February 2018. During the course of treatment, Mr. Minifie underwent several polygraph tests focusing on treatment and supervision compliance. He was polygraph tested pursuant to his sexual deviancy treatment special condition.

Now that Mr. Minifie has completed sexual deviancy treatment, he does not have a special condition authorizing his probation officer to require his participation in polygraph testing. This type of testing is necessary as a means to monitor Mr. Minifie's supervision compliance outside of treatment. Additionally, should polygraph testing reveal any sexual deviancy issues that would otherwise go undetected, he will be referred back to treatment. Also, this polygraph special condition is routinely recommended in sex offense cases. It is surmised the lack of this condition being imposed at the time of sentencing was an oversight.

The Honorable Marsha J. Pechman, United States District Judge
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with Consent of the Offender

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August 15, 2018

I contacted Corey Endo, Assistant Federal Public Defender, and Thomas Woods, Assistant United States Attorney. Neither party had an objection to the proposed modification.

I swear under penalty of perjury that the foregoing is true and correct.

APPROVED:
Connie Smith
Chief United States Probation and Pretrial Services Officer

Executed on this 15th day of August, 2018.

BY:

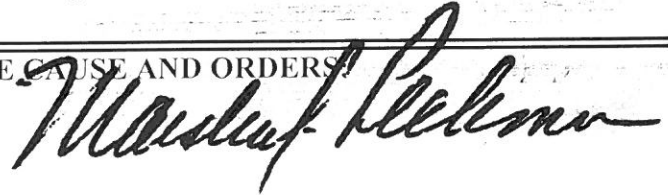


Mike Munsterman
United States Probation Officer

Christopher S. Luscher
Supervising United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☐ No Action Approved
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other



Signature of Judicial Officer

8/16/18

Date

PROB 49
(05/97)

UNITED STATES DISTRICT COURT
Western District of Washington

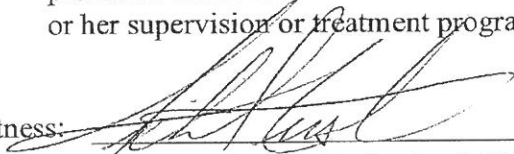
Waiver of Hearing to Modify Conditions of Probation/Supervised Release
or Extend Term of Supervision

I, Richard Minifie, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

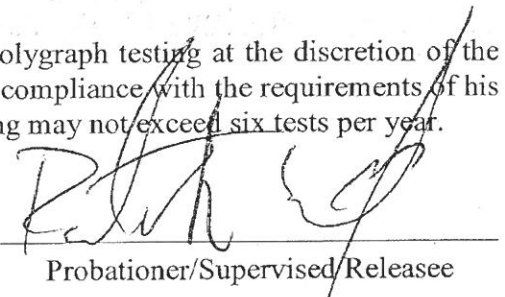
The defendant shall be required to submit to periodic polygraph testing at the discretion of the probation office as a means to ensure that he or she is in compliance with the requirements of his or her supervision or treatment program. Polygraph testing may not exceed six tests per year.

Witness:



United States Probation Officer

Signed:



Probationer/Supervised/Releasee

June 25, 2018

Date